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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/650,045

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William T. Geddes Jr.

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/650,045

Applicant(s)

GEDDES JR. ET AL.

Examiner

Thein Marissa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 286-297 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 286-297 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 19, 2006 has been entered.

Response to Amendment

The "Request for Continued Examination" filed on December 19, 2006 has been considered.

Claims 279-285 have been canceled. New claims 286-297 have been added and are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 292-293 and 295-296 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation of "wherein expanding" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 286-297 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Demand Application No. 2,254,378 to Woodrow in view of U.S. Patent Application Publication No. 2002/0049816 to Costin, IV et al.

Regarding claims 286, 287, 293 and 297, Woodrow discloses a method for allocating the proceeds of a business transactions over a network (page 19, line 8) comprising: determining if at least one responding provider matches and if at least one match occurs (page 12, line 24 – page 13, line 21); generating a list of providers matching (page 9, lines 16-24); selecting the provider from the list of providers acceptable to user to conduct the business transactions (page 9, lines 16-24); determining an arrangement between the user and the provider, wherein the arrangement includes the user receiving the search object from the provider and a business transaction proceeds allocation, where in the provider receives a portion of the business transaction proceeds, the at least user-specified beneficiary group receives a benefit in the form of a portion of the business transaction proceeds and the information server entity receives a fee (page 7, lines 20-24; page 12, lines 10-19; page 14, lines 8-14); repeating until the arrangement is acceptable to the user (page 15, lines 1-7; page

19, lines 5-10); and executing the business transaction (page 3, lines 7-20; page 13, line 1- page 14, line 23; Figure 5).

However, Woodrow does not explicitly disclose inputting user-specified parameters into the computer; searching for providers for the search object; generalizing the user-specified parameters, if no providers match the parameters or if the matches are unacceptable to the user; location of the provider; location of the user-specified beneficiary groups; and prioritizing the user-specified parameters. Woodrow does disclose the querying the database if the merchant and charities are participating in the system (page 2, line 24- page 3, line 6; page 13, lines 13-15; page 9, lines 16-22)

Costin, on the other hand, discloses the method comprising: inputting user-specified parameters into the computer (paragraphs 62-63; paragraph 80); searching for providers for the search object (paragraphs 62-63; paragraph 80; paragraph 85); determining if at least one responding provider matches (paragraphs 62-63; paragraph 80); generalizing the user-specified parameters, if no providers match the parameters or if the matches are unacceptable to the user (paragraphs 80-82); location of the user-specified beneficiary groups (paragraph 63); and prioritizing the user-specified parameters (paragraphs 62-63; paragraphs 80-82).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Woodrow, to include disclose inputting user-specified parameters into the computer; searching for providers for the search object; generalizing the user-specified parameters, if no providers match the parameters or if the matches are unacceptable to the user, as taught by Costin, in order

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to cause a marketing as a means to cost effectively enhance brand reputation, acquire customers, and contribute to charitable well being (Costin, paragraph 5).

Regarding claims 288, 290-293, and 294-296, Woodrow discloses the network is selected from the group consisting of the Internet, a communication system, a wired connection and a wireless connection (page 19, line 8) proceeds allocation is executed on the network (page 19, line 8; page 3, lines 7-20; page 13, line 1- page 14, line 23; Figure 5); location of the provider (page 11, line 5); a price offer (Figure 5; page 13, lines 2-4); adjusting the price offer (page 12, lines 10-19); adjusting the beneficiary group (page 9, lines 16-23).

Claims 289 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodrow and Costin, IV et al. as applied to claim 286 above, and further in view of U.S. Patent No. 6,477,509.

Woodrow and Costin substantially discloses the claimed invention, however, the combination does not explicitly disclose offline transactions. Hammons, on the other hand, teaches offline transactions (col. 10, lines 18-21; col. 10, lines 52-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include offline transaction, as taught by Hammons, in order to provide options in negotiating a transaction.

Allowable Subject Matter

The independent claim 286 would be allowable if the claim recites:

- automatically prioritizing the beneficiaries or the prioritizing of the user-specified parameters in the generalizing step based on system loop; and

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- providing an acceptable criteria to why the user is accepting the arrangement in the repeating steps (g)-(h).

Response to Arguments

Applicant's arguments with respect to claims 286-297 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thein Marissa whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
March 4, 2007

 3/5/07
F. RYAN ZEENDER
PRIMARY EXAMINER